IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.87 OF 2005
IN
SUMMARY SUIT NO.3550 OF 2004

Hutchison Max Telecom Pvt.Ltd. ....Plaintiff
V/s.
Vinod Nayar & Ors. ....Defendants

Ms.Vandana Gupte i/b Dholkia Gupte &Co. for the Plaintiff.

Mr.A.V. Doijode for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 19TH OCTOBER, 2005.

P.C. :

1. The suit is filed to recover the amounts due in respect of the mobile phone facilities granted by the Plaintiff to the Defendants. That the agreement for the same was entered into between the parties in not denied. That the bills in respect of use were duly raised as per the agreement, cannot be denied.

2. The only contention is that the charges for roaming services are absurdly high. It was contended that while utilising the roaming services, the customers ought not to be made to pay the international charges. That however, cannot be a

defence. It is a matter of agreement between the parties. If the Defendants find that the charges are too high or the mode of charging to be exorbitant, they ought to discontinue availing of the facilities from the Plaintiff.

3. The learned counsel appearing on behalf of the Defendants states that the Defendants have now discontinued the Plaintiff’s mobile facility. However, upto the date of discontinuation of the mobile facility, they are liable to pay all the charges. Thus there is no defence to the suit.

4. The Plaintiff has filed the compilation of the original documents. The same is taken on record and marked Exhibit "A" collectively.

5. In the circumstances, the Summons for Judgment is made absolute and the suit is decreed as prayed with costs.

. Refund as per rules.